MR. A. HOOGEWERF (*Nominated*): What is the total capital of the whole scheme?

MR. I. C. CHACKO (*Director of Industries*): The total estimated capital is Rs. 50,000 to Rs. 70,000.

MR. M. R. MADHAVA VARIAR (*Chengannur cum Pattanamtitta*): May I know whether the applicant is worth Rs. 70,000?

MR. I. C. CHACKO (*Director of Industries*): Yes. I said in my opening speech that he wanted money only for the fixed capital, *i. e.*, for the machinery. As for the circulating capital, the banks will accommodate him.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): Do I understand from Mr. Chacko that the whole of the initial investment is the amount that he has asked for?

MR. I. C. CHACKO (*Director of Industries*): Twenty-five thousand rupees for machinery alone, not including even land and buildings.

MR. JOHN MACKIE (*Planters*): Is Mr. Chacko aware that desiccated cocoanut is really a luxury and that the higher the price the less the demand?

MR. I. C. CHACKO (*Director of Industries*): I do not know whether it is a luxury or not, but I know that it is exported a great deal to America.

MR. JOHN MACKIE (*Planters*): For what purpose is it exported?

MR. I. C. CHACKO (*Director of Industries*): I suppose it is for confectionary.

The grant was put to the vote and passed, 25 voting *for* and 13 *against*.

LEGISLATION.

The Travancore Village Panchayats Bill.

PRESIDENT: We will now proceed to the consideration of the Village Panchayats Bill.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Sir, I beg to place before the House the report of the Select Committee on the Village Panchayats Bill and move that the same may be taken up for consideration.

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): I second it.

Clauses 1 to 4.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Sir, I beg to move the following amendment:

Substitute the following for sub-clause 2, lines 1 and 2, in clause 3, for the words 'Any inhabitant' in sub-section (7):—

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. P. K. Narayana Pillai.]

"*Any person residing or holding property in a local area in respect of which a notification has been published under sub-section (1) or interested in taking exception to the partitioning of an existing revenue village.*"

As the clause now settled by the Select Committee stands, the only party who is entitled to object to the formation of a Village Panchayat would be an inhabitant of the local area in reference to which the Panchayat is to be formed. First of all, it overlooks one aspect of the question. Referring to Clause 47 of the Bill, it may be seen that a Village Panchayat is at liberty to levy a cess on land within the village at such rates as may from time to time be prescribed. Such being the case, I raise the question whether the owners of the property within the proposed village should not be entitled to be heard with respect to the formation of these village councils. Another objection that I wish to point out is this. By sub-clause (1) of clause 3, it is proposed that a village may be constituted under this Regulation, not only of any one existing revenue village but of more than one or even portions of existing revenue villages. Under such power, if Government propose to form a Village Panchayat made up of one existing revenue village and a portion of an adjoining revenue village, the other half of the village which will be excluded from the village formed under this Regulation may very well feel aggrieved owing to a variety of circumstances. For example, under the impression that the existing revenue villages are more or less permanent villages, people might have contributed common funds for the purpose of making common institutions such as schools, etc. When once the Government propose to partition a village to the inconvenience of the villagers, if only those persons who would be included in the village to be formed be heard on the partition of any particular village, the rest who fall outside the proposed village would certainly be hard hit. I need hardly remind the House of the great agitation that occurred in connexion with the partition of Bengal or for that matter the present Uriya amalgamation question. There has also been an amount of agitation in Travancore itself with regard to the Taluk re-arrangements. Such being the case, under certain impressions, if villagers have made common institutions, charitable or otherwise —we have got many of them in the State,—and if Government propose to divide them, I submit it would be a hardship. Hence my submission is that the existing clause will have to be so modified as to include land-owners in the first instance. I may possess property in a particular village and I may not be an inhabitant of the place. I have property in Alleppey but I have no residence in Alleppey. If Alleppey is made into a Panchayat under this Regulation, I am not to be heard at all. And the Alleppey Panchayat will perhaps levy a cess upon my property. That, I beg to submit, is taxation without representation. Hence I am submitting that appropriate amendments will have to be made to the existing clause so that all those persons who own property may be heard. This is the main purport of my amendment.

LIBRARY ARCHIVES Kerala Legislative Assembly

MR. C. P. KOCHUKUNJU PILLAI (*Kottarakara* cum *Kumnattur*): I second it.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I am prepared to agree with Mr. Narayana Pillai to some extent, *viz.*, if the amendent would read as follows:

"Any person residing or being the registered holder of immovable property in a local area in respect of which a notification is published....."

In other words, I am prepared to agree to the addition of the words "or registered holder of immovable property." As for the latter portion of the amendment, *viz.*, "or interested in taking exception to the partitioning of an existing revenue village," I am of opinion that Mr. Narayana Pillai's objections to the existing clause are more imaginary than real. Further, if that amendment is accepted, it would be as vague as anything. Mr. Narayana Pillai instances the partition of Bengal and other places. What we are concerned with is whether there could be any objection to constitute a Panchayat for a particular part of a village and whether any other part of it would be interested in saying that the Panchayat should not be so constituted. It may be open to any part of a village to apply for its being included in the area. Such extension of area may come in at any stage. The principle is the same whether it is a Municipality or a Village Panchayat. Even now, portions of *pakuthies* are included in Municipalities. Similarly, portions of villages may be included in Panchayats. If a particular portion of a village wants to be included in a Panchayat, it is only a question of extension of the area which may be had at any time. Therefore, the question that we are concerned with is as to who is likely to be interested in the constitution of a Panchayat, and such persons are either persons who reside within the locality or hold immovable property there. Therefore, I believe Mr. P. K. Narayana Pillai will be willing to agree to that compromise, that is to say, to substitute the words:

"Any person residing in or being the registered holder of immovable property in a local area in respect of which a notification has been published under sub-section (1)".

instead of the words

"Any inhabitant.....sub-section (1)".

I would omit the other portion of his amendment.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): I am sorry, I cannot accept the proposal.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I may also say that the Section is practically adopted from the one in the Municipal Regulation.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): I beg to oppose the amendment. The latter part of it is vague as to the parties contemplated by my friend. Parties who are entitled to raise objections to the partition of an existing revenue village are those who reside in the village or who hold properties there. People who have nothing to do with the village in the matter of residence or ownership of property ought not to be allowed to come forward and say: 'I am

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. P. K. Narayana Pillai.]

interested in this question; please hear my objections also." The amendment, as it stands, does not restrict it to the holders of immovable property. It says:

'Any person residing or holding property in a local area.....'.

In the course of his speech, Mr. Narayana Pillai submitted that the land in the locality would be liable to assessment and that therefore the owner should be allowed to have his say in the creation of the Panchayat. But in the amendment submitted by him he speaks of persons 'holding property.' Property may mean movable property or immovable property. It includes persons having a few shares in a company or having other forms of property at their disposal. As the amendment stands at present, I object to it in its entirety for vagueness and inconsistency.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): In supporting my position, I would invite the attention of the House to Clause 19. Clause 19 says:—

"Subject to such rules as may be prescribed and to such conditions as may be agreed upon, any person or local authority may, with the consent of the Panchayat, make over to it the management of any institution or the execution or maintenance of any work or the performance of any duty within the village."

Now, suppose a particular village is divided into two for the purpose of the formation of a new Panchayat, and that one portion is being tacked on to another existing revenue village so that one and a half revenue villages now existing form one Panchayat under the Regulation. Suppose there is a school already existing in the divided village and the school happens to be within the village formed under the Regulation. One section of the existing revenue village split up by the formation of the new village will be excluded from such school though the school itself might originally have been started by the entire village. Are they not interested in objecting to the formation of such a new village?

PRESIDENT: The residents and owners of property within the village affected can urge their objections.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Suppose they want to exclude the rest. The present amendment itself is to enable interested parties to complain to the Government that such formations should not be allowed. Government, certainly, would be in a position to understand as to who will be interested under such circumstances to complain about the formation of the village. It is left to the Government to ascertain who is really interested in objecting to the partition of the village. The discretion is left to the Government. There is absolutely no haziness.

As for my friend Mr. Subba Aiyar's suggestion that it may be changed into 'registered holders of immovable property', I have no objection to accept that verbal alteration in my amendment.

LIBRARY ARCHIVES Kerala Legislative Assembly

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): May I know whether Mr. Narayana Pillai has any objection to omit the word 'registered'? Would it not suffice if it is put as 'any holder of property'?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I insist in having the word 'registered'.

MR. P. K. NARAYANA PILLAI (*Amba'apuzha*): Personally, I would prefer to have the word 'registered', because the Government may not otherwise be in a position to understand as to who are really the owners that are entitled to such right. I have myself suggested the word 'registered' with reference to another Section.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): With reference to the last observation of my friend in regard to Section 19, I beg to state that it is not relevant. What we are concerned with now is about the constitution of the Village Panchayat. The persons who are interested in this matter are those who live there or who are registered holders of immovable property there. If any person, whether living inside or outside the locality, whether owning immovable property or not, entrusts for management any charitable or other institution to a Village Panchayat, the Village Panchayat, in undertaking it, will see whether the persons who are really the owners of it are agreeable to it. Owners of such institutions and persons who have been responsible for the starting of such institutions have a right to raise their voice, under Section 19, irrespective of the question whether they reside within the locality or hold property there. The point now under discussion has nothing to do with Section 19.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Under Section 19, only the village body will be heard.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*: No; Section 19 provides for 'any person or local authority' being heard irrespective of the question of his residence within the locality or holding immovable property there. Of course, the Village Panchayat will enquire whether the person handing over the management of a charitable, religious or other institution to a Panchayat is the real owner of the institution and whether there are others who are interested in the same and whose consent also it might be necessary to obtain before the management is undertaken. The amendment, as it stands, will lead to vagueness, not to speak of unnecessary delay in the creation of the Panchayat. No useful purpose will be served by the latter part of Mr. Narayana Pillai's amendment.

PRESIDENT: I will split up the amendment into two parts and then put each to vote. The first part is that in the existing Clause 3, sub-clause (2), the words:

"Any person residing or being the registered holder of immovable property in," be substituted for "any inhabitant of."

The amendment was accepted by the House.

PRESIDENT: The next part of the amendment is to add the words:

"or interested in taking exception to the partitioning of an existing revenue village"

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. V. Subba Aiyar.]

after the words "sub-section (1)" in line 2.

This portion of the amendment was put to vote and lost.

MR. C. SANKARA MENON (*Quilon*): I beg to move that, in line 2 of the proviso to sub-clause (4) of Clause 3, the word 'concerned' be added after the word 'Panchayat'. In the case of alteration of the limits of the area or of cancelling the declaration, such alteration or declaration is only with reference to the particular village in question. It is to make the point clear that I propose the amendment.

MR. N. PADMANABHA PILLAI (*Karunagapalli*): I second it.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I believe the meaning is clear, even without the amendment. The word 'the' qualifying the words 'Village Panchayat' clearly indicates the meaning. We cannot ask Panchayat A for explanation and cancel Panchayat B.

PRESIDENT: The meaning is clear, Mr. Sankara Menon. Do you insist on putting your amendment to the vote?

MR. C. SANKARA MENON (*Quilon*): I withdraw the amendment.

The amendment was, by leave, withdrawn.

PRESIDENT: There have been no amendments to the Preamble and to Clauses 1 and 2 that precede the present clause. I take it that the House accepts them and also Clause 3 as amended by the House. There is no amendment to Clause 4. Clauses 1 to 4 will form part of the Bill.

The motion was carried, and the Preamble and Clauses 1 to 4 were added to the Bill.

Clause 5.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Sub-clause 2, line 1. I propose to substitute 'allot' for the word 'allocate'. It is a verbal alteration. If my friend thinks that my amendment is better, he may adopt it. If he is going to oppose, I am prepared to withdraw.

PRESIDENT: Do you move it?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Subject to these conditions, I move it.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I rise to a point of order.

PRESIDENT: I am raising the objection myself. Mr. Narayana Pillai, you cannot make a motion subject to certain conditions.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Then, bereft of the conditions, I move the amendment.

MR. N. RAMAKRISHNA PILLAI (*Vaikam* cum *Ettumanur*): I second it.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I think, Sir, 'allocate' is better. I leave it to the House to decide. It is only a verbal alteration.

LIBRARY ARCHIVES Kerala Legislative Assembly

MR. N. RAMAKRISHNA PILLAI (*Vaikam* cum *Ettumanur*): 'Allot' is the word used in the British Act.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I do not know which Act my friend means. We did not take it from any Act.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): If it is a question of distributing funds, 'allocate' may be better.

MR. N. KUMARAN (*Nominated*): The question is the distribution of a particular number of members between *two* villages. Therefore 'allocate' would be the proper word.

PRESIDENT: There is a difference of opinion in regard to that.

MR. J. JOHN NIDIRY (*Changanachery* cum *Minachil*): The word used elsewhere is 'allot'.

PRESIDENT: 'Allocate' is better for the reason that the total number of members of a Panchayat is fixed, and as between two areas inside the territorial jurisdiction of the Panchayat, the number is "*allocated*".

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): I have no objection to withdraw that portion of my amendment. My next amendment is to add at the end "or part of any revenue village".

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I will accept the remaining portion of the amendment. I think 'or part thereof' would be better than 'or part of any revenue village'.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): I agree.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): May I ask Mr. Narayana Pillai if he is in favour of having merely the word 'determine' and omitting the words 'and allocate'? The word 'determine' includes allocation also. 'Determine' means all that is intended to be meant.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): If anybody would move that amendment, then we shall consider it.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): With your permission, Sir, I would move it.

PRESIDENT: I have no objection to your moving the amendment, but I do not think it is a matter of great importance. Why not leave it as it is?

Clause 5, sub-clause 2, as amended, reads thus:—

"When a single Panchayat is constituted for more than one revenue village, Our Government may determine and allocate the number of members for each revenue village or part thereof."

The amended sub-clause was accepted by the House.

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. V. Subba Aiyar.]

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): In sub-clause 3 (*a*), line 2, I would substitute 'portion' for 'proportion'. The Section, as it is, runs as follows:—

"5. (3) (a.) The members shall be partly elected and partly nominated, provided the proportion that shall be elected shall not be less than two-thirds."

It should be 'the portion that shall be elected'.

MR. J. JOHN NIDIRY (*Changanachery cum Minachil*): I second it.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*):

"Provided the number that shall be elected shall not be less than two-thirds of the number of members."

I think that would satisfy Mr. Narayana Pillai.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): That would be enough.

The amendment was accepted by the House.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): I move that, in clause (3) (a), line 2, 'three-fourths' be substituted for 'two-thirds', that is to say, the proportion of the elected members to the total number be enhanced from two-thirds to three-fourths. My reasons are as follow: The Bill is a progressive measure so far as it relates to the franchise and the powers conferred on the Panchayats. That being the case, it is very desirable that the entire Panchayat—subject to a small provision for nomination for representation of minority—be constituted by elected members. Personally, I would even go to the extent of saying that the entire body should be elected. I now propose that not less than three-fourths should be elected. As a matter of fact, even in Municipal bodies, although the Regulation says that not less than two-thirds should be elected, we have got three-fourths and more as elected members. I should also say that we need not be so very cautious in a measure of this nature. We may freely have the proportion raised from two-thirds to three-fourths.

MR. V. KUNJUKRISHNA PILLAI (*Chirayinkil*): I second it.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I would explain to the House what induced the portion being fixed at two-third. I believe, for some time at least, it will be conceded that the *Proverthicaran* of the village will be a useful member of the Village Panchayat. We have also to take into consideration that the minority may have to be represented in the Panchayat by nomination. The total number may vary under clause 5 (1) from 5 to 11. If it is 5, whether it is two-thirds or three-fourths, it does not make any difference, because the difference is *nil*.

There is room only for one nominated member. If it is 7, we can nominate only one if the proportion is three-fourths. If we take 9 or 11, there will be 3 nominated members if the proportion is two-thirds, and 2 if it is three-fourths. It is not the object of Government at all to see that nominated members are put in, because, as Mr. Parameswaran Pillai himself observed, although the proportion fixed for the

LIBRARY ARCHIVES Kerala Legislative Assembly

Municipal Council is two-thirds practically three-fourths are being elected. The number being small and minorities having to be represented and considering the fact that for various purposes the *Pravertikaran* would be useful as a member of the Panchayat, it was thought that there should be a margin of 2, at any rate not more than 3. I believe, the proportion, as it is fixed, is reasonable and not very low.

PRESIDENT: Do you press your amendment, Mr. Parameswaran Pillai?

Mr. G. PARAMESVARAN PILLAI (*Neyyattinkara*): I withdraw it.

The motion was, by leave, withdrawn.

Clause 5 as amended was put to the vote and carried.

The clause, as amended, was added to the Bill.

Clause 6.

Mr. P. K. NARAYANA PILLAI (*Ambalapuzha*): I beg to move that in line 1, the expression 'or is the registered holder of immovable property' be inserted after 'resides'. As I already observed in the case of a previous Section, it is only fair that any registered holder of property situated within the locality should be entitled to vote in the matter of electing members to the Panchayat, because he is liable to be burdened with taxation.

Mr. C. P. KOCHUKUNJU PILLAI (*Kottarakara cum Kunnattur*): May I know whether he means to exclude mortgagees and persons enjoying property under a marumakkathayam tarwad?

PRESIDENT: Such persons will be residing in the locality and will be entitled to vote as such.

Mr. P. K. NARAYANA PILLAI (*Ambalapuzha*): Members of the marumakkathayam tarwad, if they are residents in the locality, will be entitled to vote.

Mr. C. P. KOCHUKUNJU PILLAI (*Kottarakara cum Kunnattur*): What about the mortgagees?

Mr. P. K. NARAYANA PILLAI (*Ambalapuzha*): Mortgagees need not bear the burden of taxation. Under Section 47, it is only the owner that has to bear the burden.

Mr. N. PADMANABHA PILLAI (*Karunagapalli*): I second it.

Mr. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): My only objection to it is that, once a person is qualified as a voter, he is also eligible to be returned as a member of a Panchayat. I do not know whether an absentee landlord who is returned as a member will be of any use to the Panchayat and whether he will take a real interest in it. It is a matter for the House to decide. In a Village Panchayat, it is highly necessary that the members should be actually resident in

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. P. K. Narayana Pillai.]

the locality. In the Bill, the definition of the word "resident" is made as wide as possible in order to avoid the difficulties contemplated by Mr. Narayana Pillai.

"A person shall be deemed to reside in a village if he—

(*a*) ordinarily lives in the village ; or

(*b*) has his family dwelling house in the village and occasionally occupies it ;

(*c*) maintains in the village a dwelling house ready for occupation in charge of servants and occasionally occupies it."

I do not think that it is desirable to have as member an absentee landlord who has not even a house in the locality and who, therefore, cannot even temporarily sojourn there.

MR. J. JOHN NIDIRY (*Changanachery* cum *Minachil*) : Will not the villagers be careful enough to see that such men are not elected ?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*) : I say the definition of 'resident' is as wide as necessary.

PRESIDENT : There will only be a very few people who can exercise their voting right under such circumstances.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*) : Unfortunately there are many who own paddy fields in many places, without anything like a dwelling house there.

PRESIDENT : I am sure there are at least sheds on high grounds.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*) : Absolutely nothing like that. My humble submission is that, if such people are liable to contribute towards the village fund, they should also have a voice in the election of the members of the Panchayat.

PRESIDENT : I have seen some of these places. Even in Kuttanad each village has a cluster of houses.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*) : With respect to such villages, there is no hardship. There are owners of large extents of paddy fields and *cherikkal* lands, who do not reside in the locality. There are many people resident in Trivandrum who hold property in Nanjinad.

PRESIDENT : If you are made a member, are you going to attend the meetings ?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*) : My proposal is only for qualifying them as voters. Even if they are made members, it is obligatory on them to attend the meeting. If a member absents himself consecutively for a number of meetings, he forfeits his seat in the Panchayat. Therefore there is absolutely no hardship.

PRESIDENT : In the Municipal Regulation there is a provision like that. I do not think there is a similar provision in this Bill.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*) : By absence for a consecutive number of days, that member will have to forfeit his seat on the Panchayat.

LIBRARY ARCHIVES Kerala Legislative Assembly

PRESIDENT: What I mean to say is that the actual residents of the village compose the Panchayat and that such a clause is not necessary.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): With respect to candidature it may probably be added that a non-resident man may not be qualified as a candidate. Otherwise we shall be introducing a principle here of taxation without representation. It is that that I object to. If the owner of the property is the party to pay a tax levied by a body of villagers, it is only natural that he should have a hand in electing the members who should be on the Village Panchayat. Therefore I cannot but urge the proposition.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I wish to speak on that amendment because the difficulties pointed out are real in Ambalapuzha and the adjoining taluks which are under water and in winter one will not be able to realise that there are paddy fields when one finds something like inundation every year for several months. I am referring to that just for the argument that in such *pakuthies* which are immersed in water the ordinary inhabitant is a labourer. You will find a cluster of temporary habitations of labourers. If a Panchayat is established, it is likely that the members of the Panchayat may be labourers. The owners of the property may be living in other places, for example, in towns and cities. You will find, Sir, that, under Clause 17, one of the objects is the restoration and improvement of minor irrigation works. That is a matter in which the owner is more interested than anybody else. Or if a land cess is imposed, it may not affect the members of the Panchayat, because, in such a village as I have explained, the Panchayatdars may be people who have no lands, considering that there are extensive paddy fields where it is impossible for any man to live comfortably. So that the labourer will usurp the power of passing the law in order to govern his master, and the owner will have to contribute funds without getting a voice. And when the Panchayatdars are charged with the preformance of important duties the personal worth of the member may often count. One man who has lands in the village and who may choose to live in another village may be able to influence these Panchayatdars for various purposes. So that I would even go to the extent of saying that non-resident owners should not only be entitled to a vote but should be even entitled to be elected as members of the Village Panchayat. If we have not got that provision the Panchayat will not work well, and the Government, seeing that Panchayatdars are neither men of substance nor of education, may not give ample powers to these local bodies. On the other hand, if such people are allowed to return as members of the Panchayat, and certainly as voters, Government will find it possible to invest larger and larger powers upon these local bodies. For this reason, I fully support the amendment of Mr. Narayana Pillai.

MR. N. RAMAKRISHNA PILLAI (*Vaikam* cum *Ettumanur*): I also support Mr. Narayana Pillai's amendment. The registered holder

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. T. Kumara Pillai.]

of an immovable property should be given the privilege of voting at an election. Due provision, of course, may be made with regard to the attendance of members when they are elected to be members of the Panchayat. By making due provision I think it is quite possible to give the power of voting to a person who possesses immovable property in the village. Certainly, considering the nature of the country and the fact that owners of property possess lands in several villages, it is only proper that they should be given the right to vote at an election. I therefore support the amendment.

MR. C. SANKARA MENON (*Quilon*): I also support the amendment. It is not only the class of persons mentioned by Messrs. Narayana Pillai and Velu Pillai that will be deprived of their franchise. For example, here in Travancore, people do not reside in compact areas as in British India. People are living in scattered places. The family house may be in a certain village and the properties may be in an adjoining village. Therefore such persons also will be deprived of the benefit of the franchise in the village where the Panchayat is constituted. So, in view of that circumstance also, I wish to support Mr. Narayana Pillai's amendment.

MR. T. KUMARA PILLAI (*Eraniel* cum *Vilavankod*:) എന്റെ മാന്യസ്നേഹിതൻ മിസ്റ്റർ നാരായണപിള്ളയുടെ ഭേദഗതിയിൽ പൂർണ്ണമായി യോജിക്കാൻ നിവൃത്തി ഇല്ലാതിരിക്കുന്നു. വില്ലേജ് പഞ്ചായത്തിന്റെ അതൃത്തിക്കകത്തു സ്ഥാവരവസ്തുക്കളുള്ളവർ പുറമേ താമസിക്കുന്നവരായിരുന്നാലും അവർക്ക് അവിടത്തെ തിരഞ്ഞെടുപ്പിൽ വോട്ടവകാശമുണ്ടായിരിക്കണമെന്നും അവരുടെ ഭൂമിക്കു കരം ചുമത്തേണ്ടതായി വരുന്നതുകൊണ്ട് അവർക്കുകൂടി അറിയിപ്പു നടത്തേണ്ടതാണെന്നും അദ്ദേഹം പറയുന്നു. ഇതു ന്യായമായ ഒരു തത്വമാണെന്ന് ഞാൻ പൂർണ്ണമായി സമ്മതിക്കുന്നു. വോട്ടവകാശമുള്ള അതിലെ മെമ്പർ ആകാമെന്നുള്ളതാണ് അതിൽ ഉദ്ദേശിച്ചിട്ടുള്ളത്. വില്ലേജ് പഞ്ചായത്ത് ഏർപ്പെടുത്തുന്ന സ്ഥലത്തു ഭൂസ്വത്തുണ്ടായിരിക്കയും താമസം ദൂരസ്ഥലത്ത് ആയിരിക്കയും ചെയ്യുന്ന ഒരാളെ വില്ലേജ് പഞ്ചായത്തിലെ ഒരംഗമായി തിരഞ്ഞെടുക്കുന്നതായാൽ ആ സ്ഥാപനത്തിൽനിന്ന ആശിക്കുന്ന ഫലം കിട്ടാതെ വരുന്നതാണ്. ഈ ഭേദഗതി ദുഷ്പ്രാന്തപൂർവ്വം തെളിയിക്കാം. തെക്കൻ തിരുവിതാംകൂറിൽ കോതയാർ ഇറിഗേഷൻ ബ്ലാക്കുബോർഡുകളിൽ ചിലതിന്റെ ദൂരദിക്കിൽ താമസക്കാരായ വസ്തു ഉടമസ്ഥന്മാരെ പ്രസിഡൻറായും മെമ്പറന്മാരായും തിരഞ്ഞെടുക്കാൻ ഇടയായിട്ടുണ്ട്. അങ്ങനെയുള്ള ബോർഡുകളിൽ യാതൊരു ജോലിയും നടക്കാതെയാണ് വന്നിരിക്കുന്നത്. അതുപോലെ വില്ലേജ് പഞ്ചായത്തുകൾക്കും

LIBRARY ARCHIVES Kerala Legislative Assembly

വന്നാൽ ഒരു എങ്കിൽ അതിനാൽ കിട്ടാവുന്ന ഗുണത്തേക്കാൾ അധികം ദോഷത്തെ അതു ചെയ്യുമെന്നുള്ളതാണ്.

എന്റെ സ്നേഹിതൻ മിസ്റ്റർ ടി. കെ. വേലുപ്പിള്ള പറയുന്നതു ചില സ്ഥലങ്ങളിൽ സാധുക്കളും കൂലിവേലക്കാരും മാത്രമേ ഉണ്ടായിരിക്കുമെന്നും അങ്ങനെയുള്ള സ്ഥലങ്ങളിൽ അവിടത്തെ ഭൂമി ഉടമസ്ഥന്മാരും പുറമെ താമസക്കാരുമായുള്ളവരെ വില്ലേജ് പഞ്ചായത്തുകളിലെ അംഗങ്ങളായി നിയമിച്ചില്ലെങ്കിൽ ആ ജോലികൾ നടത്താൻ സാധിക്കാതെവരുമെന്നുമാണ്. അതു പരമാർത്ഥമാണെന്നു ഞാൻ സമ്മതിക്കുന്നു. അങ്ങനെയുള്ള സ്ഥലങ്ങളിലേക്കു പുറമെ ഉള്ളവരേ നിയമിക്കുന്നതിനുപകരം അവിടെ വില്ലേജ് പഞ്ചായത്തുകൾ ഏർപ്പെടുത്താനുള്ള ആലോചനയും ശ്രമവും വേണ്ടെന്നു വയ്ക്കുന്നതു് ഏറ്റവും ഉചിതമായിരിക്കും.

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): ഏതു വിധത്തിൽ ദോഷം പരിഹരിക്കാം?

MR. T. KUMARA PILLAI (*Kraniel cum Vilavankod*): അതിലേക്കു പ്രയാസമുണ്ടെന്നു തോന്നുന്നില്ല. പുറമേ താമസക്കാരായ ഭൂമി ഉടമസ്ഥന്മാർക്കു വോട്ടുകൊടുക്കാൻ അവകാശമുണ്ടായിരിക്കയും അങ്ങനെ ഉള്ളവരെ തിരഞ്ഞെടുക്കുവാൻ പാടില്ലെന്നുള്ള വ്യവസ്ഥ ഫ്രാഞ്ചൈസിൽ കൂട്ടിച്ചേർക്കയും ചെയ്താൽ മതിയാകുന്നതാണ്.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): I am only at Clause 6 now. Qualifications for membership come subsequently. Mr. T. Kumara Pillai is at one with me in the matter of thinking that any person who pays tax and has property should necessarily be a voter. There is absolutely nothing to be said against Mr. Kumara Pillai's suggestion at present.

PRESIDENT: He wants that the particular man should not only own some property in the village but should also reside in that village if he is to be a member. He wants us to leave the towns and go back to the land.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Here in Clause 6 we are concerned only with the qualifications of voters. The qualifications of candidates and members come in subsequently. Mr. Kumara Pillai can introduce any amendment there.

PRESIDENT: He has not given notice of any.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I am perfectly indifferent as to whether a person who owns immovable property is a voter or not. I am very particular that a person who is a member of a Panchayat should reside in the village. But Mr. Narayana Pillai has not moved any amendment to Clause 11 which deals with the disqualification of members. I may also add that, in such cases, even if we accept the amendment the difficulty will be serious

LIBRARY ARCHIVES Kerala Legislative Assembly

[President.]

as regards the electoral roll. It should contain a list of voters who are residing in the village as well as persons who are not residents. The practical difficulty will be in the preparation of the electoral roll. If my suggestion is adopted, the difficulty in connection with the preparation of the electoral roll can be overcome. I am practically indifferent, and I leave it to the House.

PRESIDENT: The list will be prepared by *proverthikars* and checked by the Tahsildar, and if anybody who is not a resident is included in the list of persons resident in the village, objections may be raised.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): In the electoral roll any person who holds immovable property will be included for voting, and then in order that he may not be returned as member, it should be distinctly stated that that person is a non-resident of that particular locality. Probably one more column will have to be added. Of course, if that difficulty is got over, I do not think that there is anything objectionable.

MR. N. RAMAKRISHNA PILLAI (*Vaikam* cum *Ettumanur*): May I ask whether it is not possible to add a new sub-clause to Clause 11?

PRESIDENT: Then you accept this amendment, Mr. Subba Aiyar?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Yes, Sir.

PRESIDENT: Then Clause 6 runs thus:

"Every person who resides or is the registered holder of immovable property within the village for which a Panchayat is constituted."

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): There is the following explanation attached to the clause:

Explanation:—A person shall be deemed to reside in a village if he—
(*a*) ordinarily lives in the village; or
(*b*) has his family dwelling-house in the village and occasionally occupies it; or
(*c*) maintains in the village a dwelling-house ready for occupation in charge of servants and occasionally occupies it."

In that explanation, Sir, I would like to add "For the purpose of this Regulation" before the words "a person shall be deemed to reside in a village." The expression "reside" is used in one or two Sections. It is introduced in Section 3 and is likely to be introduced in Section 11. Otherwise, the explanation will apply only to this particular Section.

MR. N. KUMARAN (*Nominated*): I second it.

PRESIDENT: The amendment is that the words "For the purpose of this Regulation," be added before "a person shall be deemed to reside in a village if he" in the explanation to Clause 6.

The amendment to the explanation was accepted by the House.

LIBRARY ARCHIVES Kerala Legislative Assembly

Clause 6, as amended, was added to the Bill.

The Council rose for lunch at 2-14 of the Clock and re-assembled at 3-8 P. M.

NEW MEMBER.

The following new member, co-opted for the purposes of the Nanjanad Vellala Bill, was sworn in :—

Mr. P. S. Marutanayakam Pillai.

LEGISLATION.

THE VILLAGE PANCHAYATS BILL—(*contd.*)

Clauses 7 to 10.

The question that Clauses 7 to 10, as amended by the Select Committee do form part of the Bill, was carried. The clauses were added to the Bill.

Clause 11.

PRESIDENT: I find two or three amendments tabled under Clause 11. I think that the amendment which suggests the entire omission of sub-clauses (*f*) and (*g*) may be moved first.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): I do not move the amendments which stand in my name.

The following amendments were not moved :—

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*) :

Sub-clause (*b*). Retain the Clause in the original Bill and substitute "eighteen" for "twenty-five."

Sub-clauses (*f*) and (*g*). Omit.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): My amendment is to substitute, for "subjected by a criminal court to any order," the words "bound over by a criminal court to keep the peace or to be of good behaviour."

In clause 11 (*f*), as it exists here, among the disqualifications for membership it is stated that—

> If the person "has been dismissed from Government service, or been convicted of any offence or subjected by a criminal court to any order, such dismissal, conviction or order implying in the opinion of Our Government a defect of character which unfits him to be member of a Panchayat."

These are mentioned as disqualifications for a person to be a member of a Village Panchayat. Now, the expression "subjected by a criminal court to any order" is as wide as the sea. It may include any order, as the expression stands here, say an order by a criminal court that a person do give something for maintenance to his wife and children.

PRESIDENT: It is qualified by a subsequent clause.

MR. P. K. NARAYANA PILLAI (*Amba'apuzha*): Certainly I take that into consideration. It may be in the opinion of some officer of Government quite sufficient to prevent that man being chosen as a

LIBRARY ARCHIVES Kerala Legislative Assembly